

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jul 28, 2022**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DARRICK L. BARRETT,

Petitioner,

v.

JAMES KEY,

Respondent.

No. 2:22-cv-00059-MKD

ORDER DISMISSING HABEAS  
CORPUS PETITION

On May 23, 2022, Petitioner Darrick L. Barrett was ordered to show cause why this Court should not dismiss his Petition for a Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254 as time-barred under 28 U.S.C. § 2244(d). ECF No. 8. Petitioner is in custody pursuant to a judgment of a State court and is currently housed at the Airway Heights Corrections Center. ECF No. 1 at 1. Petitioner has paid the \$5.00 filing fee. Respondent has not been served.

1 In the Order to Show Cause, the Court cautioned Petitioner that his failure  
2 to show cause regarding the timeliness of his Petition would be construed as his  
3 consent to the dismissal of this action. ECF No. 8 at 6. Petitioner did not respond  
4 to the Order to Show Cause within thirty days as directed and has filed nothing  
5 further in this action.

6 Accordingly, for the reasons set forth in the Order to Show Cause, *id.* at 3-  
7 6, **IT IS ORDERED** that the Petition, ECF No. 1, is **DISMISSED with**  
8 **prejudice** as time-barred under 28 U.S.C. § 2244(d).

9 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
10 **enter judgment**, forward copies to Petitioner, and **CLOSE** the file. The Court  
11 further certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this  
12 decision could not be taken in good faith, and there is no basis upon which to  
13 issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

14 **DATED** July 28, 2022.

15  
16 s/Mary K. Dimke  
MARY K. DIMKE  
17 UNITED STATES DISTRICT JUDGE  
18  
19  
20